

Judge Robert Gerber
One Bowling Green
New York, 1004-1408

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Dear Judge Gerber,

We were involved in a civil action against General Motors a few years ago for a HVAC (Heat Vent Air Conditioning) defect. (Wied v. GM, Cook County, IL 2003-L-013277) Trial was 10/07. We lost in circuit court, but our appellate attorney was very optimistic. (Appellate attorney William Harte, namesake of the Illinois Trial Lawyers Association's yearly *William J. Harte Amicus Volunteer Award*). Our appeal was truncated by the 2009 GM bankruptcy.

The design of the evaporator core in the A/C does not allow it to dry thoroughly between use. The evaporator core fins are extremely close together. The moisture produced (condensation) mixed with contaminants from the outside air provides a favorable growing environment for Gram-negative bacteria, mold and microbials. Each time you enter the passenger compartment of the vehicle you become contaminated with whatever is growing on the evaporator core. This mixture can become very offensive and very toxic (I've heard owners describe the smell as being similar to old gym shoes, urine, really old garbage, etc). The entire passenger compartment, including the passengers and their clothing, become contaminated with this smelly mess.

GM has admitted the problem and has now embedded a fix in their vehicles, but it is not activated by default, only upon customer request. The fix for this problem has existed since the late 1980s. They do not notify customers that they could have an issue of air contamination or odor. By the time the customer realizes it is a problem, the customer has already been exposed to the contaminants (and resulting smell). The GM customer complaints focus on an "odor". By design, GM HVAC systems continually pass air over the evaporator core while the vehicle is in operation, even if the fan is off. If your evaporator core is contaminated, you are **always** being exposed to the smelly contaminants.

Below are links to copies of the research reports GM did concerning this problem, as far back as 1987. We also technical service bulletins from GM addressing the problem for their mechanics and have court testimony of GM engineers admitting the problem and confirming that the car maker did nothing to notify the customers of the problem and.

https://dl.dropbox.com/u/21563519/research_1993.pdf

<https://dl.dropbox.com/u/21563519/Research%20-%201988.pdf>

<https://dl.dropbox.com/u/21563519/Research%20-%201989.pdf>

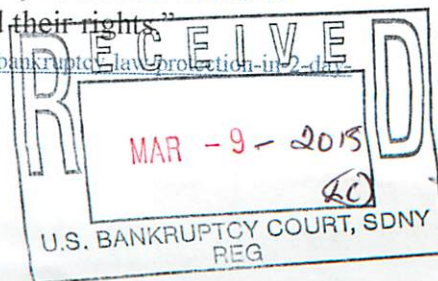
<https://dl.dropbox.com/u/21563519/Research%20-%201987.pdf>

Currently you are considering opening the door or not for the 'ignition cases' prior to the bankruptcy.

"The plaintiffs say they were denied their constitutional rights because GM concealed the (ignition) problem, denying them a voice in the bankruptcy proceedings and the sale.

While Gerber seemed skeptical of some aspects of the plaintiffs' case, he said he *would be* sympathetic if he were convinced that some consumers were denied their rights."

[<http://www.foxbusiness.com/markets/2015/02/18/consumers-look-for-exceptions-to-gm-bankruptcy-law-protection-in-2-dan-federal/>]

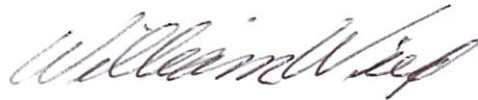


Our concern is: was the HVAC problem in the GM vehicles post and prior bankruptcy disclosed to the bankruptcy court just as the question of the ignition switch is being decided currently? We don't feel that it has and this needs to be made public for the protection of the health of the owners.

We have tried many avenues to get this in front of the public but with little success. Everyone realizes that you're taking a chance breathing in contaminated air if you are near coal plants or chemical factories. But who figures out that their own vehicle can be producing microbial contaminates, blowing them directly into the passenger compartments for occupants to breath in every day. It's horrific to think how this contamination is affecting children, the elderly, and the immune compromised. *The lack of customer notification from GM is very disturbing.* This begs the question was there also lack of court notification during the bankruptcy proceedings? We feel the General Motors consumers were definitely denied their right to breath clean air inside these vehicles.

If there is any other information that you require or questions, please feel free to contact me.

Regards



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